

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

WESTERN SECTION
CIVIL ACTION
NO.: 04-30035-KPN

KEVIN BALENO and PATRICIA
SCUTARI,

Plaintiffs

v.

OFFICER CHARLES RICKO,
CHIEF EDWARD CHASE,
and the TOWN OF WENDELL,

Defendants

JOINT STATEMENT AND PROPOSED PRETRIAL SCHEDULE

The parties propose the following:

PROPOSED AGENDA FOR SCHEDULING CONFERENCE

- I. Consideration of Settlement Proposal
- II. Establishment of a Schedule for Discovery
- III. Local Rule 16.4 Certification
- IV. Pending Matters

I. SETTLEMENT PROPOSAL

The plaintiffs made an initial demand in their 258 demand letter of \$200,000. The defendants have offered no settlement. The plaintiffs are willing to submit this case to mediation in an attempt to resolve this case prior to engaging in protracted litigation. The defendants are not prepared to participate in mediation at this time.

II. JOINT SCHEDULING PLAN FOR DISCOVERY

The parties have agreed to the following Discovery Schedule:

1. The parties will fulfill the Automatic Document Disclosure Requirement by September 30, 2004.
2. The parties shall serve Interrogatories, Requests for Admissions, and Requests for Production of Documents by February 28, 2005. Should any party bring a motion to compel further answers or responses, the discovery schedule shall be tolled until either the motion is denied or an order to provide further answers and/or responses has been complied with.
3. Non-expert depositions will be completed by April 30, 2005.
4. Plaintiffs' disclosure of expert witness information under F.R.C.P. 26(a)(2)(B) will be provided by May 15, 2005. The defendants' disclosure of expert witness information under F.R.C.P. 26(a)(2)(B) will be provided by June 10, 2005.
5. Depositions of expert witnesses will be completed June 30, 2005.
6. Discovery will be completed by June 30, 2005, unless enlarged by the court.
7. Any motions for summary judgment will be filed on or before July 31, 2005. Any opposition will be filed within thirty days after service of such motion.
8. This case will be ready for trial within thirty days after disposition of all motions for summary judgment..

III. LOCAL RULE 16.4 CERTIFICATION OF COUNSEL AND PARTIES

Counsels have conferred with their clients concerning a budget for the cost of the

litigation and the possible resolution of the litigation through alternative dispute resolution.

Written certifications have been and/or will be filed prior to the Scheduling Conference.

IV. PENDING MATTERS

None.

DATED: September 15, 2004

Respectfully submitted,

The Defendants,
By their Attorney,

The Plaintiffs
By their Attorney,

/s/ Jonathan Silverstein (CC)
Jonathan R. Silverstein,
BBO #
Kopelman & Paige, PC
31 St. James Avenue, 7th. Floor
Boston, Massachusetts 02116,
617 556-0007

/s/ Caroline Carrithers
Caroline Carrithers
BBO# 643247
17 South Street
Ashfield, MA 01330
413 628-4058